THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.26858 of 2005

Between:

Smt. Gedda Vanavamma, W/o.Surya Rao,

Yeleshwaram Village and Mandal,

East Godavari District.

… Petitioner

AND

The Collector, East Godavari District, Kakinada

And others

… Respondents

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WRIT PETITION No.26858 of 2005

ORDER:

The petitioner is allegedly owner of land admeasuring Acs.1.03 comprised in survey No.388/3 of Yeleswaram village in East Godavari District having purchased the same under a sale deed dated 29.4.1981. She alleges that on 08.12.2005 the Village Assistants and the revenue staff entered her land and started dividing the land into plots by fixing boundaries for the purpose of providing house-sites to Yeleswaram project displaced persons. Therefore, she filed the instant writ petition seeking a writ of Mandamus declaring the action of the respondents **in trying to take possession** as illegal and violative of Article 300-A of Constitution of India and for a consequential direction to the respondents not to occupy the petitioner's land.

The learned Counsel for the petitioner reiterated various contentions as disclosed in the affidavit accompanying the writ petition. **Per contra**, the learned Assistant Government Pleader for Revenue (Assignment) submits that the land in survey No.388/3 admeasuring Acs.2.97 was already notified under Land Acquisition Act, 1894 (the Act, for brevity), that a notification under Section 4(1) of the Act was issued on 25.6.2001 and that when the said notification was challenged in W.P.No.3441 of 2002, this Court did not interfere with the matter but directed the Land Acquisition Officer (LAO) to complete the award enquiry and pass award within a period of three months. The learned Assistant Government Pleader also placed before this Court a Xerox copy of the order dated 26.11.2002 in W.P. No.3441 of 2002 passed by my learned Brother A.Gopal Reddy,J.

A perusal of the order in W.P.No.3441 of 2002 would show that a notification under Section 4(1) of the Act was issued for acquiring the land in survey No.388/3 of Yeleswaram village for providing house sites and when the LAO, after issuing the notices under Sections 9(1), 9(3) and 19 of the Act, was negotiating with the owners, one Uppala Sairam claiming to be the owner of the land in survey No.388/3 admeasuring Acs.2.90 filed W.P.No.3441 of 2002 seeking invalidation of the notification. This Court declined to interfere with the land acquisition proceedings but disposed of the matter directing the LAO to pass award. The petitioner herein filed the present writ petition claiming the land in survey No.388/3, in respect of which, land acquisition proceedings have already been initiated. Therefore, the petitioner's remedy lies in approaching the LAO-cum-Revenue Divisional Officer, Peddapuram for redressal. Further, this Court observes that if the petitioner's land admeasuring Acs.1.03 does not form part of the notification dated 25.6.2001 under Section 4(1) of the Act, the same shall be verified with reference to the record and evidence that may be produced by the petitioner. Having regard to the submission made by the learned Assistant Government Pleader and in the light of the orders passed by this Court in the earlier writ petition, this Court is not inclined to admit the writ petition.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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December 16, 2005. (**V.V.S. RAO,J**)

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